

# DIFFERENCES BETWEEN CIVIL & CRIMINAL COURT PROCEEDINGS

## CIVIL

## CRIMINAL

<p>WHO ARE THE PARTIES INVOLVED IN THE CASE?</p> <p>WHAT ARE THE LEGAL TERMS USED TO IDENTIFY THE TWO PARTIES?</p>	<p>PRIVATE INDIVIDUALS/BUSINESSES</p> <p>PLAINTIFF FILES THE CASE</p> <p>DEFENDANT RESPONDS</p>	<p>THE GOVERNMENT (FEDERAL, STATE OR LOCAL)</p> <p>PROSECUTOR FILES THE CASE</p> <p>DEFENDANT RESPONDS</p>
<p>DESCRIBE THE ISSUE THAT THE COURT MUST DECIDE (WHAT IS THE NATURE OF THE CASE?)</p>	<p>COURT MUST DETERMINE WHETHER ONE PARTY HAS CAUSED HARM TO ANOTHER PARTY; CAN DEAL WITH RIGHTS AND DUTIES BETWEEN INDIVIDUALS</p>	<p>COURT MUST DETERMINE WHETHER ONE PARTY HAS VIOLATED A STATUTE THAT PROHIBITS SOME TYPE OF ACTIVITY; CASE DEALS WITH OFFENSES AGAINST SOCIETY AS A WHOLE</p>
<p>WHAT IS THE DIFFERENCE BETWEEN THE NOTION OF PUNISHMENT?</p>	<p>DEFENDANT IS NEVER INCARCERATED AND NEVER EXECUTED. A LOSING DEFENDANT IN A CIVIL CASE GENERALLY REIMBURSES THE PLAINTIFF FOR LOSSES CAUSED BY THE DEFENDANT'S BEHAVIOR.</p>	<p>A GUILTY DEFENDANT IS PUNISHED BY EITHER 1) INCARCERATION IN A JAIL OR PRISON, 2) A FINE PAID TO THE GOVERNMENT, OR 3) IN EXCEPTIONAL CASES THE DEATH PENALTY.</p>
<p>WHAT IS THE BURDEN OF PROOF FOR EACH TYPE?</p>	<p>GENERALLY MORE THAN A 50% PROBABILITY THAT THE EVIDENCE SUPPORTS THE CHARGE(S)</p>	<p>THE PERSON IS GUILTY BEYOND A REASONABLE DOUBT</p>
<p>ARRAIGNMENTS (INDIVIDUAL BROUGHT TO COURT, ASKED TO PLEAD TO CHARGES)</p>	<p>NO ARRAIGNMENT</p>	<p>ARRAIGNMENT WHEN INDIVIDUAL IS BROUGHT INTO COURT, TOLD OF CHARGES AND ASKED TO PLEAD GUILTY OR NOT GUILTY</p>